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Tower Panel Cautions Congress

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WASHINGTON, April 30 — The members of the Tower Commission cautioned Congress today against restricting the President's ability to use his National Security Council staff for covert operations. They argued that such a prohibition could tempt Presidents to go outside the governmental system to carry out policy.

"I think it is essential that some Presidential flexibility be preserved," said John Tower, the former Senator who headed the three-member commission that investigated the secret arms sales to Iran. "You don't want to proscribe quiet diplomacy."

He testified with his two colleagues, Edmund S. Muskie, a former Senator and former Secretary of State, and Brent Scowcroft, a retired Air Force general who was National Security Adviser under President Ford.

Mr. Tower said the most he would like to see was some "fine tuning to remove some ambiguities from existing proscriptions."

He asked, "Why should the N.S.C. staff be permitted to do things that the C.I.A. and the Department of Defense are not permitted to do?"

Most senior members of the House Armed Services Committee, which heard the testimony, seemed to agree that despite the Iran-contra scandal, it would be inadvisable to tie the President's hands by law. The committee chairman, Representative Les Aspin, Democrat of Wisconsin, indicated a willingness to do some "fine tuning" of existing law to subject the National Security Council to the same obligations that the Central Intelligence Agency and other bodies have to report covert activities to Congress.

This reflected what appears to be a general lack of enthusiasm on Capitol Hill for stringent new legislation. Several months ago, after revelations that N.S.C. staff members had secretly arranged arms sales to Iran and diverted the profits to the Nicaraguan rebels, known as contras, some members of Congress contemplated circumscribing the staff's activities.

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